

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE DIET DRUGS (Phentermine/ Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION _____)))	MDL DOCKET NO. 1203
THIS DOCUMENT RELATES TO:)	
TINA PERRY)	
V.)	C.A. NO. _____
WYETH _____))	(Related Case No. 2:04-cv-20100-HB)

PLAINTIFF’S SEVERED AND AMENDED COMPLAINT

Pursuant to the provisions of Pretrial Order No. 4575, plaintiff files this Severed and Amended Complaint in the above matter and alleges the following:

A. PARTIES

1. Plaintiff, Tina Perry, (hereinafter the “Diet Drug Recipient-Plaintiff”), is an individual and a citizen of the State of Missouri, residing at 229 County Lane 174, Joplin, MO 64804.

2. Upon information and belief, during at least the time period below the Diet Drug Recipient-Plaintiff ingested the following drug products that were marketed, distributed, and sold by defendant, Wyeth:

Pondimin (Fenfluramine): From 10/24/1996 to 8/13/1997

3. Defendant, Wyeth, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in Madison, New Jersey. Wyeth is the successor, by change of name, to American Home Products Corporation.

4. Plaintiff does not bring this action against the manufacturer or seller of any Phentermine products.

5. This Court's jurisdiction over the subject matter of this action is contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

B. CAUSES OF ACTION

6. Plaintiff seeks damages against the above named defendant based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law: Negligence; and Liability under § 402b of the RESTATEMENT OF TORTS (SECOND); and Strict Liability in Tort.

C. CAUSATION, INJURY AND DAMAGE

7. As a direct and proximate result of defendant's culpable actions in the marketing, distribution, and sale of the Diet Drugs described above, the Diet Drug Recipient-Plaintiff sustained the following injuries: Injury to the mitral valve.

8. As a direct and proximate result of the injuries described in the preceding paragraph, the Diet Drug Recipient-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages: pain and suffering; loss of the pleasure of life; loss of earnings and/or impairment of earning capacity; expenses for medical care, treatment, and rehabilitation; physical pain and mental anguish in the past and future; disfigurement in the past and future; worry and anxiety; and all hedonic damages allowed by law.

WHEREFORE, Plaintiff respectfully prays that the Court enter judgment in his/her favor and against defendant for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF TINA PERRY'S SEVERED AND AMENDED COMPLAINT has been filed via certified mail, return receipt requested, and service on all attorneys accomplished as set forth below on May 6, 2005:

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